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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 17th September, 1966/Bhadra 26, 1888 (Saka)

The following Acts of Parliament received the assent of the President on the 16th September, 1966, and are hereby published for general information:—

THE RAILWAY PROPERTY (UNLAWFUL POSSESSION) ACT, 1966

No. 29 OF 1966

[16*th September*, 1966]

An Act to consolidate and amend the law relating to unlawful possession of railway property.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Railway Property (Unlawful Possession) Act, 1966.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Force" means the Railway Protection Force constituted under section 3 of the Railway Protection Force Act, 1957; 23 of 1957.

(*b*) "member of the Force" means a person appointed to the Force, other than a superior officer;

(*c*) "officer of the Force" means an officer of and above the rank of Assistant Sub-Inspector appointed to the Force and includes a superior officer;

(*d*) "railway property" includes any goods, money or valuable security or animal, belonging to, or in the charge or possession of, a railway administration;

(*e*) "superior officer" means any of the officers appointed under section 4 of the Railway Protection Force Act, 1957, and includes any other officer appointed by the Central Government as a superior officer of the Force; 23 of 1957.

(*f*) words and expressions used but not defined in this Act and defined in the Indian Railways Act, 1890, shall have the meanings respectively assigned to them under that Act. 9 of 1890.

Penalty for unlawful possession of railway property.

3. Whoever is found, or is proved to have been, in possession of any railway property reasonably suspected of having been stolen or unlawfully obtained shall, unless he proves that the railway property came into his possession lawfully, be punishable—

(*a*) for the first offence, with imprisonment for a term which may extend to five years, or with fine, or with both and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees;

(*b*) for the second or a subsequent offence, with imprisonment for a term which may extend to five years and also with fine and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than two years and such fine shall not be less than two thousand rupees.

Punishment for connivance at offences.

4. Any owner or occupier of land or building, or any agent of such owner or occupier incharge of the management of that land or building, who wilfully connives at an offence against the provisions of this Act, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Offences under the Act not to be cognizable.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this Act shall not be cognizable. 5 of 1898.

Power to arrest without warrant.

6. Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant, arrest any person who has been concerned in an offence punishable under this Act or against whom a reasonable suspicion exists of his having been so concerned.

Disposal of persons arrested.

7. Every person arrested for an offence punishable under this Act shall, if the arrest was made by a person other than an officer of the Force, be forwarded without delay to the nearest officer of the Force.

Inquiry how to be made against arrested persons.

8. (*1*) When any person is arrested by an officer of the Force for an offence punishable under this Act or is forwarded to him under section 7, he shall proceed to inquire into the charge against such person.

(*2*) For this purpose the officer of the Force may exercise the same powers and shall be subject to the same provisions as the officer incharge of a police-station may exercise and is subject to under the Code of Criminal Procedure, 1898, when investigating a cognizable case:

5 of 1898.

Provided that—

(*a*) if the officer of the Force is of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a Magistrate having jurisdiction in the case, or forward him in custody to such Magistrate;

(*b*) if it appears to the officer of the Force that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer of the Force may direct, to appear, if and when so required before the Magistrate having jurisdiction, and shall make a full report of all the particulars of the case to his official superior.

Power to summon persons to give evidence and produce documents.

9. (*1*) An officer of the Force shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document, or any other thing in any inquiry which such officer is making for any of the purposes of this Act.

(*2*) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(3) All persons, so summoned, shall be bound to attend either in person or by an authorised agent as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required:

Provided that the exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requisitions for attendance under this section. 5 of 1908.

(4) Every such inquiry as aforesaid, shall be deemed to be a "judicial proceeding" within the meaning of section 193 and section 228 of the Indian Penal Code. 45 of 1860.

Issue of search warrant.

10. (1) If an officer of the Force has reason to believe that any place is used for the deposit or sale of railway property which had been stolen or unlawfully obtained, he shall make an application to the Magistrate, having jurisdiction over the area in which that place is situate, for issue of a search warrant.

(2) The Magistrate to whom an application is made under sub-section (1), may, after such inquiry as he thinks necessary, by his warrant authorise any officer of the Force—

(a) to enter, with such assistance as may be required, such place;

(b) to search the same in the manner specified in the warrant;

(c) to take possession of any railway property therein found which he reasonably suspects to be stolen or unlawfully obtained; and

(d) to convey such railway property before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety.

Searches and arrests how to be made.

11. All searches and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating respectively to searches and arrests made under that Code. 5 of 1898.

Officers required to assist.

12. All officers of Government and all village officers are hereby empowered and required to assist the superior officers and members of the Force in the enforcement of this Act.

Power of courts to order forfeiture of vehicles, etc.

13. Any court trying an offence punishable under this Act may order the forfeiture to Government of any property in respect of which the Court is satisfied that an offence under this Act has been committed and may also order the forfeiture of any receptacles, packages or coverings in which such property is contained, and the animals, vehicles, or other conveyances used in carrying the property.

Act to override other laws.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Construction of references to laws not in force in Jammu and Kashmir.

15. Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

51 of 1955.

Repeal and savings.

16. (*1*) The Railway Stores (Unlawful Possession) Act, 1955, is hereby repealed.

(*2*) Nothing contained in this Act shall apply to offences punishable under the Act hereby repealed and such offences may be investigated and tried as if this Act had not been passed.

(*3*) The mention of particular matters in sub-section (*2*) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

10 of 1897.

THE ELECTRICITY (SUPPLY) AMENDMENT ACT, 1966

No. 30 OF 1966

[16*th September*, 1966]

An Act further to amend the Electricity (Supply) Act, 1948.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Electricity (Supply) Amendment Act, 1966.

(*2*) Sections 20, 21 and 22 shall be deemed to have come into force on the 1st day of April, 1966 and save as otherwise provided in this Act, the remaining provisions shall come into force at once.

54 of 1948.

Amendment of section 5.

2. In section 5 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act), in sub-section (*6*), the words ", or within the twelve months last preceding was," shall be omitted.

Amendment of section 7.

3. In section 7 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) references in this Act to—

(*i*) the State,

(*ii*) the State Electricity Consultative Council, and

(*iii*) the State Legislature,

shall, unless the context otherwise requires, be construed as references respectively to—

(*A*) both States,

(*B*) where more than one State Electricity Consultative Council has been constituted under section 16, to all such Councils, and

(*C*) the Legislatures of both States;".

Amendment of section 16.

4. In section 16 of the principal Act,—

(*i*) in sub-section (*2*), for the word "seven", the word "eight" shall be substituted;

(*ii*) for sub-section (*6*), the following sub-section shall be substituted, namely:—

"(*6*) The Board shall place before the State Electricity Consultative Council the annual financial statement and supplementary statement, if any, and shall take into consideration any comments made on such statement in the said Council before submitting the same to the State Government under section 61.".

Amendment of section 19.

5. In section 19 of the principal Act, in sub-section (*4*), after the word "determined", the words "by arbitration" shall be inserted.

Substitution of new section for section 29.

6. For section 29 of the principal Act, the following section shall be substituted, namely:—

Publication and sanctioning of schemes.

"29. (*1*) A scheme prepared for any area under section 28 may, subject to the provisions of this section, be sanctioned by the Board either generally or in respect of any part of the area and where a scheme has been sanctioned in respect of part of the area, it may subsequently be sanctioned in respect of other parts of that area.

(2) Every scheme sanctioned under this section shall be published in the Official Gazette and in such local newspapers as the Board may consider necessary:

Provided that it shall not be necessary to so publish any scheme which is estimated to result in a capital expenditure not exceeding twenty-five lakhs of rupees.

(3) Before sanctioning any scheme which is estimated to result in a capital expenditure exceeding one crore of rupees, the following procedure shall be adopted, namely:—

(i) The Board shall send a copy of the scheme to the State Government and to the Authority and cause such scheme to be published in the Official Gazette and in such local newspapers as the Board may consider necessary; and the Board shall give public notice of the date, not being less than two months after the date of the notice, by which licensees and other persons interested may make representations thereon and when publishing such a scheme the Board shall show estimates of the capital expenditure involved and of the initial and ultimate revenues anticipated from the sale of energy, meter rentals and other services.

(ii) The Board, after considering any such representations and after making such inquiries, if any, as it thinks fit, may sanction the scheme either without modification or subject to such modifications as it thinks fit, and either generally or in respect of any part of the area specified in the published scheme:

Provided that no such scheme shall be sanctioned by the Board without prior consultation with the Authority and until any recommendations which the Authority may, in accordance with the provisions of this Act, make upon such consultation have received due consideration by the Board:

Provided further that where the recommendations of the Authority in regard to any scheme are not accepted by the Board, the Board shall not sanction the scheme without the previous consent of the State Government.

(4) In respect of any scheme to which the provisions of sub-section (3) apply, the Board shall, within one month after being requested by the Authority so to do, supply the Authority with all such information incidental or supplementary to the scheme as may be specified in the request.".

Amendment of section 30.

7. In section 30 of the principal Act, for the word, brackets and figure "sub-section (*2*)", the words, brackets and figures "clause (*ii*) of sub-section (*3*)" shall be substituted.

Amendment of section 31.

8. In section 31 of the principal Act,—

(*i*) for the word, brackets and figure "sub-section (*2*)", the words, brackets and figures "clause (*ii*) of sub-section (*3*)" shall be substituted;

(*ii*) in the proviso, for the word, brackets and figure "sub-section (*3*)", the word, brackets and figure "sub-section (*4*)" shall be substituted.

Amendment of section 32.

9. In section 32 of the principal Act, after the words "sanctioned and", the words "where so required" shall be inserted.

Amendment of section 40.

10. In section 40 of the principal Act, after the words "agreement be determined", the words "by arbitration" shall be inserted.

Substitution of new section for section 49.

11. For section 49 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Provision for the sale of electricity by the Board to persons other than licensees.

"49. (*1*) Subject to the provisions of this Act and of regulations, if any, made in this behalf, the Board may supply electricity to any person not being a licensee upon such terms and conditions as the Board thinks fit and may for the purposes of such supply frame uniform tariffs.

(*2*) In fixing the uniform tariffs, the Board shall have regard to all or any of the following factors, namely:—

(*a*) the nature of the supply and the purposes for which it is required;

(*b*) the co-ordinated development of the supply and distribution of electricity within the State in the most efficient and economical manner, with particular reference to such development in areas not for the time being served or adequately served by the licensee;

(*c*) the simplification and standardisation of methods and rates of charges for such supplies;

(*d*) the extension and cheapening of supplies of electricity to sparsely developed areas.

(3) Nothing in the foregoing provisions of this section shall derogate from the power of the Board, if it considers it necessary or expedient to fix different tariffs for the supply of electricity to any person not being a licensee, having regard to the geographical position of any area, the nature of the supply and purpose for which supply is required and any other relevant factors.

(4) In fixing the tariff and terms and conditions for the supply of electricity, the Board shall not show undue preference to any person.".

Insertion of new section 60A.

12. After section 60 of the principal Act, the following section shall be inserted, namely:—

Period of limitation extended in certain cases.

"60A. Where the right to recover any amount due to the State Government for or in connection with the consumption of electricity is vested in the Board and the period of limitation to enforce such right has expired before the constitution of the Board, or within three years of its constitution, then, notwithstanding anything contained in the Indian Limitation Act, 1908 or any other law for the time being in force relating to limitation of action, the Board may institute a suit for the recovery of such amount,—

9 of 1908.

(*i*) where it has been constituted before the commencement of the Electricity (Supply) Amendment Act, 1966, within three years of such commencement; and

(*ii*) where it has been constituted after such commencement, within three years of its constitution.".

Amendment of section 62.

13. In section 62 of the principal Act, in sub-section (*1*), for the words "twenty-five thousand" and "one lakh", the words "seventy-five thousand" and "three lakhs" shall respectively be substituted.

Amendment of section 67.

14. In section 67 of the principal Act,—

(*i*) in clause (*viii*), for the word "eight", the word "fifteen" shall be substituted;

(*ii*) for clause (*x*), the following clause shall be substituted, namely:—

"(*x*) the balance to be appropriated to a fund to be called the Development Fund to be utilised for—

(*a*) purposes beneficial, in the opinion of the Board, to electrical development in the State;

(*b*) repayment of loans advanced to the Board under section 64 and required to be repaid:

Provided that where no such loan is outstanding, one-half of the balance aforesaid shall be credited to the Consolidated Fund of the State.".

Substitution of new section for section 68.

15. For section 68 of the principal Act, the following section shall be substituted, namely:—

Depreciation reserve.

'68. The Board shall create a depreciation reserve and, as far as compliance with the provisions of section 67 makes it practicable, shall, at the end of every year, credit to such reserve from its revenue an amount calculated in accordance with the straight line method of depreciation, that is to say, such an amount as is arrived at by dividing ninety per cent. of the original cost of the assets, after taking into account the sums already written off and set aside in the books of the Board, by the prescribed period in respect of such assets:

Provided that the contribution in respect of any asset to the depreciation reserve under this section shall cease at the end of the prescribed period or when the asset ceases to be used by the Board, whichever is earlier:

Provided further that if in any year it is not practicable fully to comply with the provisions of this section, the amount by which the sums actually credited falls short of the amount required under this section in respect of that year, shall be carried forward and together with simple interest thereon at the Reserve Bank rate ruling at the beginning of that year, shall be credited to the said reserve as soon as it is found possible in accordance with section 67, so to do:

Provided further that the accumulations in the depreciation reserve may be invested in the business of the Board, or utilised for repayment of the principal of any loan raised under section 65 or for repayment of sums paid by the State Government under guarantees under section 66.

Explanation.—In this section, "prescribed period"—

(*i*) in relation to an asset which became available to the Board for its use in its business before the commencement of the Electricity (Supply) Amendment Act, 1966, means the pres-

cribed period as defined in the Sixth Schedule reduced by the number of years during which such asset was used or capable of being used, such years being computed from the beginning of the year next following that in which that asset became so available to the Board and up to the end of the year ending on or after such commencement;

(*ii*) in relation to any other asset, means the prescribed period as so defined in the said Schedule.'.

Amendment of section 75.

16. In section 75 of the principal Act,—

(*i*) sub-section (*1*) shall be omitted;

(*ii*) sub-section (*1A*) shall be re-numbered as sub-section (*1*) thereof and in sub-section (*1*) as so re-numbered,—

(*a*) the words, brackets and figure "Without prejudice to the provisions of sub-section (*1*)," shall be omitted,

(*b*) after the words "to the State Government", the words "before such date and" shall be inserted.

Amendment of section 76.

17. In section 76 of the principal Act, sub-section (*1*) shall be omitted.

Amendment of section 82.

18. In section 82 of the principal Act, for the words "any person", the words "any member, officer or servant of the Board" shall be substituted.

Amendment of Fourth Schedule.

19. In the Fourth Schedule to the principal Act, in paragraph II, in the second proviso, after the word "determined", the words "by *arbitration*" shall be inserted.

Amendment of Fifth Schedule.

20. In the Fifth Schedule to the principal Act, for paragraph III, the following paragraph shall be substituted, namely:—

'III. For the purposes of clause (*e*) of paragraph 1,—

(*i*) "depreciated cost of the lines" means original cost thereof as determined in accordance with the provisions of sub-paragraph (*6*) of paragraph XVII of the Sixth Schedule *less* the amount written off or set aside on account of depreciation on fixed assets and the amount written off in respect of intangible assets thereof in the books of the undertaking before or after the commencement of this Act;

(*ii*) the rate of interest shall be,—

(*a*) where the licensee owning the lines is a local authority, the average rate payable on the money raised by that authority for the purpose of constructing the lines;

(*b*) in any other case, the Reserve Bank rate ruling at the beginning of the year referred to in paragraph I *plus* two *per centum*.'.

Amendment of Sixth Schedule.

21. In the Sixth Schedule to the principal Act,—

(*i*) in paragraph I,—

(*a*) for the word "rates", wherever it occurs, the word "charges" shall be substituted;

(*b*) in the second proviso, for the word "fifteen", the word "twenty" shall be substituted;

(*c*) the following proviso shall be added at the end, namely:—

"Provided also that nothing in this Schedule shall be deemed to prevent a licensee from levying, with the previous approval of the State Government, minimum charges for supply of electricity for any purpose.";

(*ii*) after paragraph I, the following paragraph shall be inserted, namely:—

"IA. The notice referred to in the third proviso to paragraph I shall be accompanied by such financial and technical data in support of the proposed enhancement of charges as the State Government may, by general or special order, specify.";

(*iii*) in paragraph II, to sub-paragraph (*3*), the following proviso shall be added, namely:—

"Provided that where the undertaking is purchased by the Board or the State Government, the amount of the Reserve may be deducted from the price payable to the licensee.";

(*iv*) in paragraph IV, for sub-paragraph (*2*), the following sub-paragraph shall be substituted, namely:—

"(*2*) The sums appropriated to the Contingencies reserve shall be invested in securities authorised under the Indian Trusts Act, 1882 and such investment shall be made 2 of 1882.

within a period of six months of the close of the year of account in which such appropriation is made.";

(*v*) in paragraph V, for sub-paragraph (*2*), the following sub-paragraph shall be substituted, namely:—

"(*2*) On the purchase of the undertaking, the Contingencies Reserve, after deduction of the amounts drawn under sub-paragraph (*1*), shall be handed over to the purchaser and maintained as such Contingencies Reserve:

Provided that where the undertaking is purchased by the Board or the State Government, the amount of the Reserve computed as above shall, after further deduction of the amount of compensation, if any, payable to the employees of the outgoing licensee under any law for the time being in force, be handed over to the Board or the State Government, as the case may be.";

(*vi*) in paragraph VA, to sub-paragraph (*4*), the following proviso shall be added, namely:—

"Provided that where the undertaking is purchased by the Board or the State Government, the amount of the Reserve may be deducted from the price payable to the licensee.";

(*vii*) in paragraph VII, in sub-paragraph (*2*),—

(*a*) after the words "fixed asset", the words "including expenses incurred on the dismantling thereof" shall be inserted;

(*b*) in the proviso, after the words "cost of the asset", the words "and the dismantling expenses" shall be inserted;

(*viii*) in paragraph XV, in sub-paragraph (*1*), after the words "which exceeds", the words "in any year of account," shall be inserted;

(*ix*) in paragraph XVII—

(*1*) in sub-paragraph (*1*),—

(*a*) in clause (*b*), the words "including expenses on account of new capital issue" shall be inserted at the end;

(*b*) in clause (*e*)—

(*i*) in sub-clause (*ii*),—

(*a*) for the words "cash and bank balances",

the words and brackets "cash and bank balances (whether credit or debit)" shall be substituted;

(*b*) for the words, brackets and figures "clauses (*i*), (*iv*) and (*x*)", the words, brackets, figures and letters "sub-clauses (*i*), (*iv*), (*iv-a*), (*iv-b*) and (*x*)" shall be substituted;

(*ii*) after sub-clause (*ii*) (which provides for deduction of certain amounts), the following sub-clauses shall be inserted, namely:—

"(*ii-a*) the amount of any loans borrowed from organisations or institutions approved by the State Government;

(*ii-b*) the amount of any debentures issued by the licensee;";

(*iii*) for sub-clause (*iii*) (which provides for deduction of certain amounts), the following sub-clause shall be substituted, namely:—

"(*iii*) the amounts deposited in cash with the licensee by consumers by way of security;";

(*iv*) in sub-clause (*iv*) (which provides for deduction of certain amounts), the words "at the beginning of the year of account" shall be inserted at the end;

(*v*) for sub-clause (*v*) (which provides for deduction of certain amounts), the following sub-clause shall be substituted, namely:—

"(*v*) the amount standing to the credit of the Development Reserve at the close of the year of account;";

(*vi*) in sub-clause (*vi*) (which provides for deduction of certain amounts), after the words "carried forward", the words "at the beginning of the year of account" shall be inserted;

(*2*) in sub-paragraph (*2*), in clause (*b*),—

(*a*) after sub-clause (*iv*), the following sub-clauses shall be inserted, namely:—

"(*iv*-a) interest on loans borrowed from organisations or institutions approved by the State Government;

(*iv*-*b*) interest on debentures issued by the licensee;";

(*b*) for sub-clause (*xii*), the following sub-clauses shall be substituted, namely:—

"(*xii*) contributions to provident fund, staff pension and gratuity computed under any law for the time being in force or any such scheme as is approved by the State Government;

(*xii-a*) expenses on apprentice and other training schemes;";

(*3*) in sub-paragraph (*9*),—

(*a*) after clause (*c*), the following clauses shall be inserted, namely:—

"(*c-1*) an amount equal to one-half of one *per centum* on the amounts borrowed from organisations or institutions approved by the State Government;

(*c-2*) an amount equal to one-half of one *per centum* on the amounts realised by the issue of debentures;";

(*b*) after clause (*d*), the following clause shall be inserted, namely:—

"(*e*) such other amount as may be allowed by the Central Government, having regard to the prevailing tax structure in the country.";

(*4*) for sub-paragraph (*10*), the following sub-paragraph shall be substituted, namely:—

'(*10*) "standard rate" in respect of any year of account means—

(*a*) in relation to that part of the capital base for that year of account which is equivalent to the capital base as on the 31st day of March, 1965, seven *per centum* per annum;

(*b*) in relation to the remaining part of the capital base for that year, the Reserve Bank rate ruling at the beginning of that year, *plus* two *per centum*:

Provided that the Central Government may, by notification in the Official Gazette, and with effect from such date as may be specified therein, increase or decrease the standard rate specified in clause (*b*), if, after consultation with the Authority, that Government consi-

ders it necessary so to do to ensure that any rise or fall in the Reserve Bank rate does not affect the reasonable return in any subsequent year of account in relation to that part of the capital base which is equivalent to the capital base as computed on the last date of the previous year of account.'.

Amendment of Eighth Schedule.

22. In the Eighth Schedule to the principal Act, in paragraph II, for the words, brackets, letter and figure "For the purposes of clause (*e*) of paragraph 1 of the rate of interest shall be—", the following shall be substituted, namely:—

'For the purposes of clause (*e*) of paragraph 1—

(*i*) "depreciated cost of the station" means original cost thereof as determined in accordance with the provisions of sub-paragraph (*6*) of paragraph XVII of the Sixth Schedule *less* the amount written off or set aside on account of depreciation on fixed assets and the amount written off in respect of intangible assets thereof in the books of the undertaking before or after the commencement of this Act;

(*ii*) the rate of interest shall be,—'.

Amendment of Ninth Schedule.

23. In the Ninth Schedule to the principal Act, in paragraph III, for the letter and words "L = the average load factor of the station;"; the letter and words "L = the percentage average load factor of the station;" shall be substituted.

Validation of imposition and collection of charges for the supply of electricity under section 49 of the Electricity (Supply) Act, 1948.

24. (*1*) Notwithstanding any judgement, decree or order of any court, all rates fixed under section 49 of the Electricity (Supply) Act, 1948, for the sale of electricity to any person other than a licensee before the commencement of this Act shall be deemed to have been validly fixed as if the provisions of the said section, as amended by this Act, had been in force at all material times when such rates were fixed and accordingly,— 54 of 1948.

(*a*) no suit or other proceeding shall be maintained or continued in any court for the refund of any amount collected from any person on the basis of such rates;

(*b*) no court shall enforce a decree or order directing the refund of any amount collected from such person on the basis of such rates;

(c) any amount due from any person on the basis of such rates before the commencement of this Act but not recovered before such commencement may be recovered in the manner provided under the Electricity (Supply) Act, 1948.

54 of 1948.

(2) For the removal of doubts, it is hereby declared that nothing contained in sub-section (1) shall be construed as preventing any person from claiming refund of any amount paid by him in excess of the amount due from him under the said Act, as amended by this Act, and the rules or regulations made thereunder.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

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